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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/237,646	01/26/99	CASTELLI	V Y0998-220

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TM02/0705

EXAMINER

TRUONG, C

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 07/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.

09/237,646

Applicant(s)

CASTELLI ET AL.

Examiner

Cam-Y Truong

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 is/are allowed.
- 6) ☒ Claim(s) 1-2, 9-10 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 11, and 12 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-12 are pending in this Office Action.
2. Applicant's arguments with respect to claims 1-12 has been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 9-10 are rejected under 35 U.S.C.102(b) as being unpatentable by Balogh et al (or hereinafter “Balogh”) (USP 5493677).

As to claims 1 and 9, Balogh teaches the claimed limitations:

“first searching said database to retrieve data based on said query” as selecting certain images from the database that have metadata corresponding to a user’s search request (col.

1, lines 60-65);

“presenting retrieved data to user” as user can view the images sent by image center 120 (col. 3, lines 5-10);

“ receiving user input” as (col. 12, lines 8-38);

“transforming said database based on said user input to generate a transformed database” as (col. 12, lines 7-32);

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“successively searching said transformed database to retrieve data; repeating step b through e until the results for the said query is satisfied by the user” (col. 11, 52-67; col. 12, lines 1-67; col. 13, lines 10-55).

As to claims 2 and 10, Balogh teaches that “reformulating the query based on said user input and wherein said searching said transformed database comprises searching said transformed database based on said reformulated query” as (col. 13, lines 57-67; col. 14, lines 1-20).

*Allowable Subject Matter*

5. Claims 3-4 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 3 and 11, none of the available prior art of record teaches or fairly suggest extracting indices from said database and wherein said searching is preceded by retrieving indices to focus said search on indexed information in said database as recited in claim 3 and 11. Index querying service is well known in the art as taught Balogh. However, prior art such Balogh do not teach “extracting indices from said database and wherein said searching is preceded by retrieving indices to focus said search on indexed information in said data” in the specific combination as recited in claims 3 and 11.

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As to claim 4 and 12 are objected because they are dependent on claim 3 and 11.

6. Claims 5-8 are allowed.

As to claim 5, none of the available prior art of record teaches or fairly suggest at least ....a multidimensional indexing engine at said at least.....a similarity query engine .....retrieved indices from said multidimensional indexing engine for identifying database areas to be search as recited in claim 5. Similarity engine and index generation component are well known in the art as taught by Bach. However, prior art such Bach does not teach “at least ....a multidimensional indexing engine at said at least.....a similarity query engine .....retrieved indices from said multidimensional indexing engine for identifying database areas to be search” in the specific combination as recited in claim 5.

Claims 6-8 are allowed because they are dependent claim 5.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to application's disclosure

Balogh et al (USP 5893101)

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*Contact Information*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Y Truong whose telephone number is (703-605-1169).

The examiner can normally be reached on Mon-Fri from 8:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on (703-305-4393). The fax phone numbers for the organization where this application or proceeding is assigned is (703-308-9051).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

CY

June 20, 2001

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100